



IFW

Docket No.: 5288-0102PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Peter TUNGUY-DESMARAIS

Application No.: 10/562,639

Confirmation No.:

Filed: December 29, 2005

Art Unit: N/A

For: COMPOSITION AND METHOD FOR THE  
TREATMENT OF WATER RELATED EAR  
DISORDERS

Examiner: Not Yet Assigned

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of April 2005 for the above-identified

☒ application ☐ patent

☐ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND <u>REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input checked="" type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	<u>130.00</u>
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

<input type="checkbox"/>	patent maintenance fee	_____
<input type="checkbox"/>	first maintenance fee	_____
<input type="checkbox"/>	second maintenance fee	_____
<input type="checkbox"/>	third maintenance fee	_____
<input type="checkbox"/>	patent maintenance fee surcharge	_____
<input type="checkbox"/>	Other:	_____
		_____
		_____

TOTAL REFUND REQUESTED	<u>130.00</u>
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III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

*Applicant received an erroneous Official Notice to File Missing Parts of Nonprovisional Application dated February 6, 2006 and Applicant filed a Response to the incorrect Notice to File Missing Parts of Application on March 21, 2006 along with a payment in the amount of \$130.00 (Check No. 90470075).*

*Applicant subsequently received a proper Notification of Missing Requirements Under 35 U.S.C. 371 DATED April 18, 2006. Applicant is filing a Response to the proper Notification of Missing Requirements Under 35 U.S.C. 371 on even date herewith.*

IV. MANNER OF REFUND

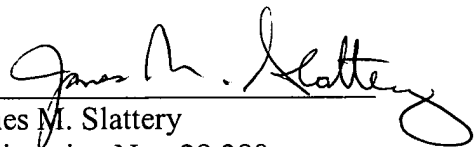
Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

*Applicant requests that the present application, serial number 11/319,665 be abandoned due to the double assignment of serial numbers to the same invention.*

Dated: May 16, 2006

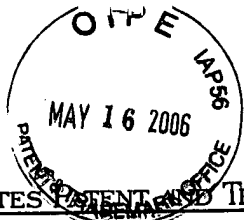
Respectfully submitted,

By   
James M. Slattery  
Registration No.: 28,380  
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(703) 205-8000  
Attorney for Applicant

Attachments

Copy of present submission

Photocopy of April 18, 2006 proper Notification of Missing Requirements



UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,639	Peter Tunguy-Desmarais	5288-0102PUS1

INTERNATIONAL APPLICATION NO.
PCT/ZA04/00074

I.A. FILING DATE	PRIORITY DATE
07/02/2004	07/02/2003

2292

BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

**DOCKETED***perfect**6-18-06*

CONFIRMATION NO. 8755

371 FORMALITIES LETTER



\*OC000000018547860\*

Date Mailed: 04/18/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/29/2005
- Copy of the International Search Report filed on 12/29/2005
- Copy of IPE Report filed on 12/29/2005
- Preliminary Amendments filed on 12/29/2005
- Information Disclosure Statements filed on 12/29/2005
- U.S. Basic National Fees filed on 12/29/2005
- Priority Documents filed on 12/29/2005
- Specification filed on 12/29/2005
- Claims filed on 12/29/2005
- Abstracts filed on 12/29/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

**COPY**

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,639	PCT/ZA04/00074	5288-0102PUS1